

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHRISTIAN MIRANDA,)
 Plaintiff,)
 v.)
 CARLOS FLORES, NP, et al.,)
 Defendants.)

C.A. No. 1:19-cv-12029-LTS

CLINICAL DEFENDANTS’ MOTION TO DISMISS

Defendants Carlos Flores, NP; Maria Angeles, MD; Thomas Groblewski, DO; Rebecca Lubelczyk, MD; Elizabeth Louder, LICSW;¹ Massachusetts Partnership for Correctional Healthcare, LLC (“*MPCH*”); and Wellpath, LLC² (“*Wellpath*”) (collectively, the “*Clinical Defendants*”) respectfully request that this Honorable Court dismiss all counts against them pursuant to Fed. R. Civ. P. 12(b)(6) for Plaintiff Christian Miranda’s (“*Plaintiff*”) failure to state a claim upon which relief can be granted.

The reasons for this request are as follows: (I.) Plaintiff’s claims against Defendant Angeles are barred by the applicable statutes of limitations; (II.) Plaintiff’s claims against Defendants Louder, MPCH, and Wellpath should be dismissed for insufficient service of process; (III.) Plaintiff fails to plead sufficient facts to demonstrate a plausible claim that Defendants Flores, Angeles, or Louder acted with deliberate indifference, denied Plaintiff adequate medical care, and/or subjected him to cruel and unusual punishment; (IV.) Plaintiff fails to plead sufficient facts to demonstrate a plausible claim that Defendant MPCH engaged in medical malpractice; and (V.) Plaintiff does not bring any causes of action against Defendants Groblewski or Lubelczyk, and they should be dismissed from this action.

¹ Defendant Elizabeth Louder, LICSW has not yet been served with process in this matter. (*See* Argument II, *infra*).

² In his Amended Complaint, Plaintiff mistakenly identifies Defendants MPCH and Wellpath as a single entity. In fact, MPCH and Wellpath are entirely separate corporations. (*See* Clinical Defendants’ Motion to Correct the Docket, Doc. 63).

In further support of this Motion, the Clinical Defendants rely upon the accompanying Memorandum of Law, submitted herewith.

WHEREFORE, Defendants Carlos Flores, NP; Maria Angeles, MD; Thomas Groblewski, DO; Rebecca Lubelczyk, MD; Elizabeth Louder, LICSW; MPCH; and Wellpath respectfully request that this Honorable Court ALLOW this Motion, and dismiss Plaintiff's Complaint as to each of them.

Respectfully submitted,

Defendants Carlos Flores, NP; Maria Angeles, MD; Thomas Groblewski, DO; Rebecca Lubelczyk, MD; Elizabeth Louder, LICSW; MPCH; and Wellpath,

By their attorney,

/s/ Peter A. Tison
Peter A. Tison, BBO #707808
KOUFMAN & FREDERICK, LLP
145 Tremont Street, 4th Floor
Boston, MA 02111
(617) 423-2212
pt@kflitigators.com

Dated: July 12, 2021

CERTIFICATE OF SERVICE

I, Peter A. Tison, certify that on the 12th day of July, 2021, a copy of the above pleading was filed with the ECF System and sent electronically to the registered participants identified on the Notice of Electronic Filing, with paper copies being sent to those indicated as non-registered participants.

/s/ Peter A. Tison
Peter A. Tison